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PATENT

Customer No. 22,852

Attorney Docket No. 08888.0530-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Patrick BENOIT et al.

Application No.: 10/005,337

Filed: December 7, 2001

For: SEQUENCES UPSTREAM OF  
THE CARP GENE, VECTORS  
CONTAINING THEM AND USES  
THEREOF

)  
)  
) Group Art Unit: 1645

)  
) Examiner: Not Yet Assigned

#7/I.D.S.

Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the



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documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

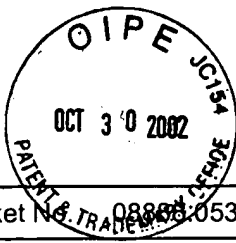
FINNEGAN, HENDERSON, FARABOW,  
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Dated: October 30, 2002

By:   
William L. Strauss  
Reg. No. 47,114

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## INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

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Atty. Docket No. 08868 0530.00000	Appln. No. 10/005,337	<b>RECEIVED</b> NOV 01 2002 TECH CENTER 1600/2900
Applicant Patrick BENOIT et al.		
Filing Date December 7, 2001	Group: 1645	

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 00/15821	03/23/00	WIPO			No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Aihara et al., "Homo Sapiens Cardiovascular-Specific Cardiac Ankyrin Repeat Protein (CVARP) Gene, 5'-Flanking Region and Exon 1," EMBL Database Accession No. AF131884, February 15, 2000.
	Hai-Chien et al., "Control of Segmental Expression of the Cardiac-Restricted Ankyrin Repeat Protein Gene by Distinct Regulatory Pathways in Murine Cardiogenesis," <i>Development</i> , Vol. 126, pgs. 4223-4234, 1999.
	Jeyaseelan et al., "A Novel Cardiac-Restricted Target for Doxorubicin," <i>The Journal of Biological Chemistry</i> , Vol. 272, 22800-22808, 1997.
	Zou et al., "CARP, a Cardiac Ankyrin Repeat Protein, is Downstream in the Nkx2-5 Homeobox Gene Pathway," <i>Development</i> , Vol. 124, 793-804, 1997.

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce